

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

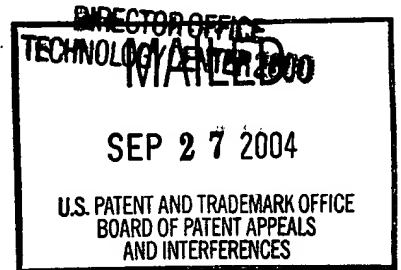
Ex parte JAMIN PANDANA

Appeal No. 2004-1422  
Application No. 09/458,858

REMAND TO EXAMINER

**RECEIVED**

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Appellant filed a Request For A One-Month Extension of Time dated April 2, 2004 (Paper No. 19), in consideration of a request for oral hearing. It is noted that no request oral hearing appears in the file record.

Additionally, appellant filed a Reply Brief dated May 3, 2004 (Paper No. 22). The Reply Brief was matched with the file at the Board of Patent Appeals and Interferences. There is no indication on the record that the Reply Brief was considered or acted on. Additionally, the Reply Brief was filed May 3, 2003 (with a certificate of mailing, dated April 30, 2004). Any response to the Examiner's Answer mailed January 30, 2004, should have been filed no later than March 30, 2004.


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Accordingly, it is

ORDERED that the application is returned to the examiner for review of the record regarding the Request for A One-Month Extension of Time in consideration of an Oral Hearing (Paper No. 19); for review, consideration and response as appropriate to the Reply Brief filed May 3, 2004 (Paper No. 22), and for any further action as may be deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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